

JAN 11 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

KRISTEN MICHAEL, AN
INDIVIDUAL ON BEHALF OF
HERSELF AND ALL OTHERS
SIMILARLY SITUATED,
PLAINTIFF,

§ § § § § § § § § § § §

V.

OPPORTUNITY FINANCIAL, LLC,
DEFENDANT.

Plaintiff Kristen Michael's Objections to Magistrate Judge's Report and Recommendation on Defendant Opportunity Financial's Motion to Compel Arbitration was filed November 5, 2022 (Doc. #18). Defendant Opportunity Financial, LLC's Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation on Defendant Opportunity Financial's Motion to Compel Arbitration was filed November 21, 2022 (Doc. #20). In light of Plaintiff's objections, the court has undertaken a *de novo* review of the

entire case file and finds that the magistrate judge's Report and Recommendation should be approved and accepted by the court for substantially the reasons stated therein.

Plaintiff's objections raise arguments fully addressed by the magistrate judge in the Report and Recommendation. The court finds that the magistrate judge properly concludes that the arbitration clause is enforceable and that the choice-of-law provision excludes the arbitration clause. Therefore, the court will overrule Plaintiff's objections.

Because Plaintiff's claims are subject to arbitration, the court has the authority to dismiss the case. This court agrees with the magistrate judge's recommendation that the case should be dismissed without prejudice.

IT IS THEREFORE ORDERED that Plaintiff Kristen Michael's Objections to Magistrate Judge's Report and Recommendation on Defendant Opportunity Financial's Motion to Compel Arbitration (Doc. #18) are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. #17) is **ACCEPTED AND ADOPTED** by the court as follows: Plaintiff Kristen Michael's claims against Defendant Opportunity Financial, LLC are compelled to arbitration.

IT IS FINALLY ORDERED that the case is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 11th day of January, 2023.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE